

REMARKS/ARGUMENTS

In the Office Action, Claims 1-30 are pending of which Claims 7, 9 and 21-25 are withdrawn, and Claims 1-6, 8, 10-20 and 26-30 are rejected.

I. Claim Rejections

Claims 1-5, 8, 10-12, 15-18 and 26-29 are rejected under 35 U.S.C. 102(a) as being allegedly anticipated by Xiong (WO03/007438). Claims 6, 19-20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xiong (WO03/007438) in view of U.S. Patent No. 6,009,110 to Wiechmann et al. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xiong (WO03/007438) in view of U.S. Patent Publication No. 2003/0039274 to Neev et al.

In Applicant's previous response, Applicant submitted a declaration under 37 C.F.R. 1.131 by the inventor Wang Long Zhou of the instant application. As evidenced by the affidavit, prior to January 23, 2003, a full disclosure was set out in a patent proposal with a description of the claimed invention with figures. The disclosure (marked "Exhibit A" in the previous response) describes the claimed hybrid Q-switch device of the present invention.

However, in the Final Office Action, the Examiner states that the declaration under 37 C.F.R. 1.131 has been considered but is ineffective to overcome the Xiong reference because the Applicant's enclosed Exhibit A in the previous response does not show the exact date prior to the date of Xiong. Therefore, the Examiner maintains the rejection.

However, it is not necessary for Applicant to show the date on the exhibit, and the date is allowed to be removed or blocked off, as stated in the declaration under 37 C.F.R. 1.131.

M.P.E.P. §715.07, which provides for declarations under 37 C.F.R. 1.131, clearly allows for the dates to be removed. Specifically, Part II of M.P.E.P. §715.07 provides:

“If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration.

When alleging that conception or a reduction to practice occurred prior to the effective date of the reference, the dates in the oath or declaration may be the actual dates or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date.”

Accordingly, it is not necessary to provide for the actual dates in the exhibit. The dates have been removed, and it is clearly set out in the declaration under 37 C.F.R. 1.131 by the inventor that the exhibit was authored prior to the publication date of the Xiong reference.

Accordingly, Applicants request withdrawal of the 35 U.S.C. 102(a) rejection of claims 1-5, 8, 10-12, 15-18 and 26-29 as being anticipated by Xiong (WO03/007438). Applicants further request withdrawal of the 35 U.S.C. 103(a) rejection of claims 6, 19-20 and 30 as being unpatentable over Xiong (WO03/007438) in view of Wiechmann et al., and withdrawal of the 35 U.S.C. 103(a) rejection of claims 13-14 as being unpatentable over Xiong (WO03/007438) in view of Neev et al.

II. Conclusion

In view of the aforementioned remarks and amendments, the Applicants believe that each of the pending claims is in condition for allowance. Accordingly, Applicants respectfully request allowance of claims 1-6, 8, 10-20 and 26-30. If, upon receipt and review of this

amendment, the Examiner believes that the present application is not in condition for allowance and that changes can be suggested which would place the claims in allowable form, the Examiner is respectfully requested to contact Applicant's undersigned counsel at the number provided below.

The Director is hereby authorized to charge any fees or credit any overpayment of same associated with this filing to our Deposit Account No. 03-1250, under Reference No. 040017U008a, Customer No. 43,309.

Respectfully submitted,

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